

Exhibit “D”

[Print in **black ink** all areas in **bold letters**]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Application of

Juanita Murray
[fill in name(s)] Petitioner(s),

- against -

NYC Dept. of Education

Index Number

102004-15

NOTICE OF PETITION

NEW YORK
COUNTY CLERK'S OFFICE

NOV 10 2015

NOT COMPARED
WITH COPY FILE

[fill in name(s)] Respondent(s).

PLEASE TAKE NOTICE that upon the Verified Petition of

[your name(s)], sworn to on November 10, 20 15

[date Verified Petition notarized], and the attached exhibits, petitioner(s) will, at 9:30 AM on the 22
day of December, 20 15, [return date] at the Courthouse at 60 Centre Street, New
York, N.Y. in the Motion Submission Part Courtroom, Room 130, request that this court issue a
judgment, pursuant to the Civil Practice Law and Rules (CPLR), granting the following relief to the
petitioner(s):

[briefly describe what you are asking the Court to do] Reverse decision and
dismiss an excessive fine

and such other and further relief as to this Court may seem just and proper.

Dated: November 10, 20 15

Respectfully submitted,

Juanita Murray
1114 Stonegate Rd
Shrub Oak, N.Y. 10588
914-245-2151

To: Respondent(s)

NYC Dept. of Education
100 Church St. 4th fl
N.Y., N.Y.

Petitioner
[your name, address, telephone number]

[name, address, telephone number]

Attachment #2 pg 1

November 10, 2015

CPLR 7511 Attachments for Juanita L. Murray

My name is Juanita L. Murray. I earned a BSW from SUNY at Stony Brook in May 1984. I earned my MSW from Columbia University School of Social Work in 1986. I am a NYS licensed Social Worker, initially holding a CSW, then a LMSW when the State Education Department changed its licensing regulations. I have been continually licensed in all years of employment, especially in my role at the NYC Department of Education, as required. I began employment for the NYC public schools in January 1992. I was assigned to provide counseling to students with Special Education classifications. I have continued to be employed in the same role from January 1992-December 2012. My record was unblemished until the principal, Mr. Robert Mercedes, began in May 2010 to tarnish my character, interfere with my work and create a hostile environment for me to work in. Mr. Mercedes' actions resulted in 3020a charges being filed against me.

The Decision (from Arbitrator Haydee Rosario) was delivered to me via email and postal service dated November 2, 2015. This was a culmination of a 5 year process in which my rights as a tenured professional in NYS were continuously violated. Exhibit B-Rights of Tenured Employees; identify a timeline of the 3020a process. I was served in October 2013, with documents that were dated September 2012. I had my pre-Hearing conference in February 2014 and then my Hearing actually began in February 2015. I did not receive a decision until 2 months later (excluding the summer months for school vacation), November 2, 2015. None of the guidelines that ensure a speedy and fair process were followed. My rights as a Tenured Employee were denied.

Mr. Robert Mercedes removed me from my position as a Related Services Provider. A Related Services Provider follows a student's Individualized Education Plan as prescribed for a variety of clinical and support services. The service I provided was counseling. Mr. Mercedes based his decision to remove me from my licensed position based on 2 consecutive U ratings on my APPR (2010-2011 and 2011-2012). For the School Year 2012-2013 I worked for one semester as a Related Services Provider. For the second semester of the SY 2012-2013 I was assigned a variety of jobs, none of which were in my license area. I received a U rating on APPR for that year as well. Exhibit D, the Murray Decision, shows that by unanimous decision that U rating was reversed. I am hoping that this Decision will influence the other U ratings, because Mr. Mercedes followed the same patterns to come to the same determination for the years that followed.

Arbitrator Haydee Rosario's decision is very confusing. The Arbitrator states that I provided 23 years of "satisfactory service". I would like this decision reversed and the award of a \$7500 fine. The decision has many inconsistencies; the award is excessive and not based on facts, but feelings. Arbitrator Rosario states that she believes witnesses because they have no motive to give false testimony. The transcripts (Exhibits F, G, H, and J) will show that at least two of my colleagues admit that because of the Principal's

Attachment #2 pg 2

action to remove me from Related Services assignments, their workloads were increased. This created a hostile environment (Exhibit H 540 and G 756). Dr. Friedmutter's testimony (Exhibit F 703 and 713) he states that I've always been a Related Services Provider, then has trouble answering which provider was on the assessment team. This was a key factor in the appeals on both local and state levels, because my APPR measures effectiveness for the School Social Worker in his/her role on the assessment team, which in our school is called the School Based Support Team.

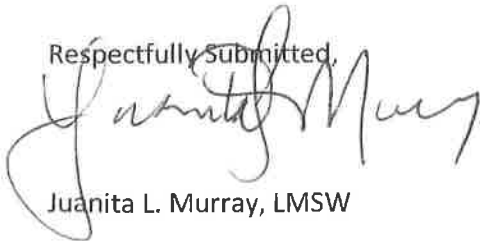
I am adding Exhibit I because Arbitrator Rosario states that she doesn't believe Mr. Mercedes was affected by a Special Education complaint that I made, when he removed me from my position. It all happened to be on the same day in December 2012. I believe she is ignoring evidence.

In the rationale for Arbitrator Rosario's excessive award, she uses my testimony regarding an interaction I had with Investigator Vance. Arbitrator Rosario is inconsistent in that she acknowledges my right not to participate in an investigation. She scolds me for what she feels is inconsistent testimony. I told the truth each and every time. Arbitrator Rosario ignores the fact that I was not notified by any agency that I was being investigated at the time Investigator Vance approached me. I had no reason to respond. I had no reason to hire an attorney to assist me. I was informed of the allegations 2 months later in June.

Arbitrator Rosario did not base her decision on the Chancellor's Regulation A-831. She dismissed this document in its entirety. Please find enclosed Exhibit E, which speaks to reporting and training for reporting. Transcripts from my 3020 a Hearing for Ms. Pou and Investigator Vance (Exhibits G 769 and J808) show that there was never any evidence that the incident occurred. In any event I proceeded with caution and ensured the safety of both students by establishing clinical services for both. Arbitrator Rosario doesn't believe that I made referrals and followed up with clinicians. I did just that and continued to monitor one of the students in another group counseling situation (unrelated to the incident).

I have suffered a great deal and I am requesting that the Courts can reverse this travesty of justice. I am disgusted by the blatant disrespect for the laws that govern us. Mr. Mercedes operated as if he would never be held accountable for dismissing the Collective Bargain Agreement, which was then followed by the Legal Office of the NYC Department of Education failing to follow the timeline for charging and removing me from my position as a tenured employee. Arbitrator Rosario describes my actions as "passive resistance" instead of recognizing that I was fearful of falling into traps that would ultimately end my hard earned career. What the Arbitrator saw was fear, not passive resistance. The decision was not based on the facts.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Juanita L. Murray".

Juanita L. Murray, LMSW

[Print in black ink all areas in bold letters]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Application of

Juanita Murray
[fill in name(s)] Petitioner(s),

- against -

NYC Dept. of Education
[fill in name(s)] Respondent(s).

Index Number

102004-15

VERIFIED PETITION

NEW YORK
COUNTY CLERK'S OFFICE

NOV 10 2015

NOT COMPARED
WITH COPY FILE

TO THE SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NEW YORK:

The petition of [your name] Juanita Murray respectfully
shows to this court as follows:

1. Petitioner resides at [your address] 1114 Stonegate Rd., Shrub
Oak, N.Y. 10588
2. The respondent(s) is / are [identify the respondent(s)] N.Y.C. Department
of Education

3. [Describe what you are requesting and the reasons therefor. Add more pages if needed. If
you are appealing the decision of a government agency, give the date and outcome of the final
determination. Explain why this Court should reverse that decision.]

Attachment #2

4. Attached as exhibits are copies of all relevant documents. [Attach the decision you are asking the court to reverse as Exhibit A. Attach any other documents as Exhibit B, Exhibit C, and so on. Identify each exhibit and explain how it supports your position. List additional Exhibits on a separate page.]

Exhibit A - 3020a Decision (Arbitrator Haydee Rosario)

Exhibit B - Rights of Tenured Employee

Exhibit C - 3020a documents served to Juanita Murray

Exhibit D - The Murray Decision

Exhibit E - Chancellor's Regulation A-831

5. A prior application has not has [circle one] been made for the relief now requested. [If you made this application before in this or any other court, describe where, when, the result and why you are making it again.]

CPLR 7511 Juanita Murray v NYC Department of Education

November 10, 2015

Exhibits (continued)

Exhibit D- The Murray Decision

Exhibit E- Chancellor's Regulations A-831

Exhibit F- 3020a Hearing transcripts for Dr. Friedmutter

Exhibit G- 3020a Hearing transcripts for Ms. Pou

Exhibit H- 3020a Hearing transcripts for Ms. Ceballos

Exhibit I- Special Education complaint

Exhibit J- 3020a Hearing transcripts for Investigator Vance

WHEREFORE, your deponent respectfully requests that this Court **briefly describe what you are requesting** 302a Decision to be reversed, fine removed

and grant such other and further relief as may to the court seem just and proper.

November 10, 2015
[date signed]

Juanita Murray
Petitioner [sign your name]

Juanita L. Murray
[print your name]

1114 Stonegate Rd
Shrub Oak, N.Y. 10588
914-245-2151
[your address and telephone no.]

VERIFICATION

STATE OF NEW YORK

COUNTY OF New York : ss:

Juanita Murray

[your name], being duly sworn,

deposes and says that: I am the petitioner in this proceeding; I have read the foregoing petition and know the contents thereof; the same are true to my own knowledge, except as to matters therein stated to be alleged on information and belief; and as to those matters I believe them to be true.

Sworn to before me this

10th day of November, 2015
Frankie Almanzar
Notary Public

Juanita Murray
Petitioner [sign your name before a Notary]
Juanita Murray
[print your name]

FRANKIE ALMANZAR
Notary Public, State of New York
Reg. No. 04A16287906
Qualified in New York County
Commission Expires Sept. 9, 2017